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APPLICATION NO.	FILING	DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/707,849	01/16/2004		Andrew A. Corley	2188.1	1848
9748	7590	10/21/2004		EXAMINER	
LAITRAM,			HESS, DOUGLAS A		
LEGAL DEPARTMENT 220 LAITRAM LANE HARAHAN, LA 70123				ART UNIT	PAPER NUMBER
				3651	
				DATE MAILED: 10/21/2004	,

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)						
	10/707,849	CORLEY ET AL.						
♥ Office Action Summary	Examiner	Art Unit						
	Douglas A Hess	3651						
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply								
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).								
Status								
1)⊠ Responsive to communication(s) filed on <u>16 January 2004</u> .								
2a) This action is FINAL . 2b) ⊠ This	This action is FINAL . 2b)⊠ This action is non-final.							
3) Since this application is in condition for allowar	3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is							
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.								
Disposition of Claims								
4) Claim(s) <u>1-18</u> is/are pending in the application.								
4a) Of the above claim(s) is/are withdrawn from consideration.								
5) Claim(s) is/are allowed.								
6)⊠ Claim(s) <u>1-3,5-9,11-16 and 18</u> is/are rejected.								
.7)⊠ Claim(s) <u>4,10 and 17</u> is/are objected to.	.7) Claim(s) <u>4,10 and 17</u> is/are objected to.							
8) Claim(s) are subject to restriction and/or	8) Claim(s) are subject to restriction and/or election requirement.							
Application Papers								
9)☐ The specification is objected to by the Examiner.								
10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.								
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).								
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).								
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.								
Priority under 35 U.S.C. § 119								
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of:								
 Certified copies of the priority documents have been received. 								
2. Certified copies of the priority documents have been received in Application No								
3. Copies of the certified copies of the priority documents have been received in this National Stage								
application from the International Bureau (PCT Rule 17.2(a)).								
* See the attached detailed Office action for a list of the certified copies not received.								
Attachment(s)								
1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)								
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Da	Paper No(s)/Mail Date						
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 5) Notice of Informal Patent Application (PTO-152) 6) Other:								

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- 2. Claims 1-3, 5-9, 11-16, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Costanzo et al. (US Pat. No. 6,571,937).

The applied reference has a common Assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

See the attached marked up drawing figures 5, 6A, and 6B of Costanzo et al. depicting the claimed features.

Allowable Subject Matter

3. Claims 4,10, and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Conclusion

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4. The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

5. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Douglas A Hess whose telephone number is 703-308-3428. The

examiner can normally be reached on M-Thurs 5:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Chris Ellis can be reached on 703-308-2560. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Douglas A Hess

Primary Examiner

Art Unit 3651

DAH

October 18, 2004



